107TH CONGRESS 1ST SESSION

## H.R.880

To provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

## IN THE HOUSE OF REPRESENTATIVES

March 6, 2001

Mr. Hansen introduced the following bill; which was referred to the Committee on Resources

## A BILL

To provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASH-
- 4 INGTON COUNTY, UTAH.
- 5 (a) IN GENERAL.—Notwithstanding any other provi-
- 6 sion of law, effective 30 days after the date of the enact-
- 7 ment of this Act, all right, title, and interest in and to,
- 8 and the right to immediate possession of, the 1,516 acres
- 9 of real property owned by Environmental Land Tech-
- 10 nology, Ltd. (ELT), within the Red Cliffs Reserve in

- 1 Washington County, Utah, and the 34 acres of real prop-
- 2 erty owned by ELT which is adjacent to the land within
- 3 the Reserve but is landlocked as a result of the creation
- 4 of the Reserve, is hereby vested in the United States.
- 5 (b) Compensation for Property.—Subject to sec-
- 6 tion 309(f) of the Omnibus Parks and Public Lands Man-
- 7 agement of 1996 (Public Law 104–333), the United
- 8 States shall pay just compensation to the owner of any
- 9 real property taken pursuant to this section, determined
- 10 as of the date of the enactment of this Act. An initial pay-
- 11 ment of \$15,000,000 shall be made to the owner of such
- 12 real property not later than 30 days after the date of tak-
- 13 ing. The full faith and credit of the United States is here-
- 14 by pledged to the payment of any judgment entered
- 15 against the United States with respect to the taking of
- 16 such property. Payment shall be in the amount of—
- 17 (1) the appraised value of such real property as
- agreed to by the land owner and the United States,
- 19 plus interest from the date of the enactment of this
- 20 Act; or
- 21 (2) the valuation of such real property awarded
- by judgment, plus interest from the date of the en-
- actment of this Act, reasonable costs and expenses
- of holding such property from February 1990 to the
- date of final payment, including damages, if any,

- and reasonable costs and attorneys fees, as deter-
- 2 mined by the court. Payment shall be made from the
- 3 permanent judgment appropriation established pur-
- 4 suant to section 1304 of title 31, United States
- 5 Code, or from another appropriate Federal Govern-
- 6 ment fund.
- 7 Interest under this subsection shall be compounded in the
- 8 same manner as provided for in section 1(b)(2)(B) of the
- 9 Act entitled "An Act to preserve within Manassas Na-
- 10 tional Battlefield Park, Virginia, the most important prop-
- 11 erties relating to the battle of Manassas, and for other
- 12 purposes", approved April 17, 1954 (16 U.S.C.
- 13 429b(b)(2)(B)), except that the reference in that provision
- 14 to "the date of the enactment of the Manassas National
- 15 Battlefield Park Amendments of 1988" shall be deemed
- 16 to be a reference to the date of the enactment of this Act.
- 17 (c) Determination by Court in Lieu of Nego-
- 18 TIATED SETTLEMENT.—In the absence of a negotiated
- 19 settlement, or an action by the owner, the Secretary of
- 20 the Interior shall initiate within 90 days after the date
- 21 of the enactment of this section a proceeding in the United
- 22 States Federal District Court for the District of Utah,
- 23 seeking a determination, subject to section 309(f) of the
- 24 Omnibus Parks and Public Lands Management Act of
- 25 1996 (Public Law 104–333), of the value of the real prop-

- 1 erty, reasonable costs and expenses of holding such prop-
- 2 erty from February 1990 to the date of final payment,
- 3 including damages, if any, and reasonable costs and attor-

4 neys fees.

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